



Republic v SA (Criminal Case E017 of 2024) [2025] KEHC 10938 (KLR) (15 July 2025) (Sentence)

Neutral citation: [2025] KEHC 10938 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
CRIMINAL CASE E017 OF 2024**

JM OMIDO, J

JULY 15, 2025

BETWEEN

REPUBLIC PROSECUTION

AND

SA ACCUSED

SENTENCE

1. The Accused person herein, pursuant to a plea agreement executed on 23rd June 2025, pleaded guilty on her own volition to the lesser offence of manslaughter contrary to Section 202 as read with Section 205 of the [Penal Code](#), Cap 63 Laws of Kenya.
2. From the facts presented by the Prosecution, it emerges that the accused person unlawfully killed her 6 months old son.
3. It is instructive from the facts that she was mentally troubled at the time, a position that was confirmed through mental examination that was conducted by a consultant psychiatrist. The report of the psychiatrist forms part of the record of this court. The same is dated 4th June, 2024.
4. The accused person was subsequently subjected therapy and treatment and vide a report dated 13/8/24, she was declared fit to stand trial, albeit with a conclusion that she suffers from schizophrenia whereby she had a first episode in July, 2023 and a relapse after delivering a baby towards the end of the same year.
5. The recommendation that the consultant psychiatrist makes in the report is that life long treatment be initiated and be administered.
6. The accused person presented her mitigation through her Advocate, Mr. Okoth Oluoch. She pleaded for leniency. She expresses profound remorse. She is said to be a first offender.



7. The accused person, from the information presented to this court, has two other children, both of tender years. Her Counsel passionately submitted that her children need her and that she has undergone spiritual nourishment through pastoral programmes.
8. The presentence report recommends her for a non-custodial sentence. The report indicates that despite the magnitude of the offence leading to loss of life, her family has empathy and understanding, while acknowledging that her actions were driven by her untreated mental condition that subsisted at the time. Her family is willing to support her. In conclusion, the report recommends her for a non-custodial sentence.
9. Having considered the above, the period that the Accused has remained in custody and the fact that her mental capacity was diminished at the time of the commission of the offence, I am in agreement with the proposal made on sentence by the Probation Office and in the plea agreement that a non-custodial sentence is appropriate in the circumstances. What she needs at this point, more than anything else, is psychiatric intervention/treatment.
10. The result of all the above is that I proceed to place her under probation supervision for a period of 3 years. The supervising office should be Makadara Probation Office.
11. During the period, she will undergo psychiatric therapy and treatment and will be required to follow the directions of the psychiatric consultant. As the presentence report indicates that accommodation arrangements have been made, she will reside at Lucky Summer, Nairobi.
12. Right of appeal 14 days.

J. M. OMIDO

JUDGE

